

FILED

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION

98 JUN -5 PM 3:30

U.S. DISTRICT COURT  
N.D. OF ALABAMA

WILLIAM B. OWENS,

Plaintiff,

vs.

CV 98-PT-0795-E

SUPERIOR JEEP, EAGLE,  
CHRYSLER, PLYMOUTH, MAZDA,  
and CECIL C. CANNON, an  
individual,

Defendants.

ENTERED

JUN 5 1998

MEMORANDUM OPINION

This cause comes on to be heard on the Motion To Dismiss filed by defendant Cecil C. Cannon on April 30, 1998.

Plaintiff acknowledges that he cannot maintain a claim against defendant Cannon under the ADA. That claim will be dismissed.

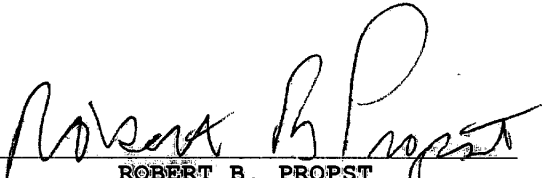
The court will grant the motion as to the claim of outrage. It is obvious that the alleged conduct does not rise to the level required by controlling Alabama cases. This is a typical personnel action whether correct or not. Mere incivilities are not tantamount to "outrage." Statutory law may or may not cover the issues.

Plaintiff also agrees to the dismissal of the invasion of privacy claim against Cannon.

For the time being, the court will deny Cannon's motion as it relates to the FMLA. If the parties have circuit court authority,

they should advise. Further, controlling authority as to liability of individual non-employers under the FSLA may be pertinent.

**DONE** and **ORDERED** this 5th day of June, 1998.

  
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**ROBERT B. PROPST**  
**SENIOR UNITED STATES DISTRICT JUDGE**